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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548**

*J. Vachon  
Proc. I*

**FILE: B-187671**

**DATE: March 3, 1977**

**MATTER OF: Government Contractors, Inc. - Reconsideration**

**DIGEST:**

Prior decision is affirmed upon request for reconsideration by procuring agency because question of eligibility for award by bidder whose worksheet (submitted to support bid correction) shows bidder does not intend to comply with minimum manning requirements is matter of responsibility not responsiveness, as contended by agency.

The Naval Facilities Engineering Command has requested reconsideration of our decision in the matter of General Contractors, Inc., B-187671, January 31, 1977.

That decision concerned a bid submitted by Government Contractors, Inc. (GCI), in response to an invitation for janitorial services. Following bid opening, GCI alleged that an error had been made in its bid and submitted its worksheet to the contracting officer in an effort to obtain correction. After reviewing the worksheet, the contracting officer determined that GCI had not established the amount for which correction was requested and moreover, the worksheet indicated that GCI had based its bid on furnishing 141,700 manhours rather than the 169,000 manhours required by the invitation. Accordingly, the contracting officer determined that the GCI bid could be withdrawn, but not corrected.

Upon our review of the above facts, we found that "we have a problem in concluding that the contracting officer's decision denying correction was reasonable." However, we also noted the discrepancy in the manhours required by the IFB and the manhours on which GCI based its bid and stated that this raised doubts as to whether GCI was a responsible prospective contractor and recommended that the appropriate determination under section 1-900 of the Armed Services Procurement Regulation (1976 ed.) be made.

The Navy has requested reconsideration of this finding, contending that the discrepancy in the manhours is a matter of responsiveness rather than responsibility and that GCI's bid can be disregarded without a responsibility determination being made.

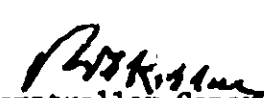
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The Navy cites three past decisions of our Office for the proposition that materials submitted with an otherwise responsive bid may show that the bid is not responsive. 36 Comp. Gen. 705 (1957), 36 Comp. Gen. 535 (1957), and 34 Comp. Gen. 180 (1954). We do not find these cases controlling. In all of the cited cases, the material which rendered the bid nonresponsive was actually submitted with the bid at the time of bid opening (i.e., cover letter, drawings and a bid sample). Here, the worksheet was not submitted until one week after bid opening. The GCI bid, as submitted, took no exception to the requirements of the invitation and, therefore, was responsive on its face. As we stated in 53 Comp. Gen. 396 (1973):

"Unless something on the face of the bid limits, reduces, or modifies the obligation of a prospective contractor to perform in accordance with the terms of the invitation, the bid must be considered responsive. \* \* \*"

We believe the instant fact situation to be analogous to the situation where a bidder has submitted a responsive bid, but during the preaward survey it is discovered that the bidder will not supply what the Government required. While the responsiveness of the bid is not affected, the bidder's responsibility is questionable. See M-S and Associates, B-183282, May 14, 1975, 75-1 CPD 296.

Based on the foregoing, we remain of the opinion that the problem relates to responsibility, not responsiveness and, therefore, affirm our prior decision.

  
Acting Comptroller General  
of the United States